

# Exhibit B

**IN THE UNITED STATES DISTRICT COURT FOR THE  
MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION**

AMERICAN ALLIANCE FOR EQUAL  
RIGHTS, a nonprofit corporation,

Plaintiff,

v.

KAY IVEY, in her official capacity as Governor  
of the State of Alabama,

Defendant.

Civil Action No. 2:24-cv-00104-RAH- JTA

**[PROPOSED] ANSWER OF DEFENDANT-INTERVENOR**

Defendant-Intervenor, the Alabama Association of Real Estate Brokers, through counsel,  
answers the Complaint filed by the Plaintiff in the above-styled action as follows:

Defendant-Intervenor denies each allegation in Plaintiff’s Complaint unless expressly admitted  
below.

**INTRODUCTION**

1. Defendant-Intervenor lacks sufficient knowledge or information to admit or deny  
the allegations in this paragraph, and therefore denies them.

2. Admitted that AREAB “regulates, licenses, and investigates real estate appraisers  
to ensure they meet the high standards of the profession.” Further admitted that Ala. Code § 34-  
27A-4 states that “no less than two of the nine board members shall be of a minority race.” The  
remaining allegations in this paragraph contain legal conclusions and Plaintiff’s characterization  
of the law to which no answer is necessary. To the extent a response is required, Defendant-  
Intervenor denies the allegations in this paragraph.

3. Denied.

4. Defendant-Intervenor lacks sufficient knowledge or information to admit or deny the allegations in this paragraph, and therefore denies them.

5. Admitted that the Alliance brings this lawsuit under 42 U.S.C. § 1983. Otherwise denied.

### **JURISDICTION AND VENUE**

6. Admitted that this Court has jurisdiction over claims brought under the Fourteenth Amendment to the United States Constitution and 42 U.S.C. § 1983. Denied to the extent that this paragraph alleges that this Court has subject matter jurisdiction over this action.

7. Admitted.

### **PARTIES**

8. Defendant-Intervenor lacks sufficient knowledge or information to admit or deny the allegations in this paragraph, and therefore denies them.

9. Admitted that Kay Ivey is the Governor of the State of Alabama, is vested with authority to make appointments to AREAB, and is sued in her official capacity. The remaining allegations in this paragraph contain legal conclusions and Plaintiff's characterization of the law to which no answer is necessary. To the extent a response is required, Defendant-Intervenor denies the remaining allegations in this paragraph.

### **FACTUAL ALLEGATIONS**

10. Admitted.

11. This paragraph contains a legal statement to which no answer is necessary. The FFIRREA speaks for itself. Defendant-Intervenor otherwise lacks sufficient knowledge or information to admit or deny the remaining allegations in this paragraph, and therefore denies them.

12. This paragraph contains legal conclusions and Plaintiff's characterization of the law to which no answer is necessary. To the extent a response is required, Defendant-Intervenor denies the allegations in this paragraph.

13. Admitted.

14. Admitted.

15. Defendant-Intervenor lacks sufficient knowledge or information to admit or deny the allegations in this paragraph, and therefore denies them.

16. This paragraph contains a legal statement to which no answer is necessary. Alabama law speaks for itself.

17. Denied.

18. Defendant-Intervenor lacks sufficient knowledge or information to admit or deny the allegations in this paragraph, and therefore denies them.

19. Defendant-Intervenor lacks sufficient knowledge or information to admit or deny the allegations in this paragraph, and therefore denies them.

20. Defendant-Intervenor lacks sufficient knowledge or information to admit or deny the allegations in this paragraph, and therefore denies them.

21. Defendant-Intervenor lacks sufficient knowledge or information to admit or deny the allegations in this paragraph, and therefore denies them.

22. Defendant-Intervenor lacks sufficient knowledge or information to admit or deny the allegations in this paragraph, and therefore denies them.

23. Defendant-Intervenor lacks sufficient knowledge or information to admit or deny the allegations in this paragraph, and therefore denies them.

### **CLAIM FOR RELIEF**

24. Defendant-Intervenor adopts and incorporates the responses contained in Paragraphs 1 through 23 as if fully set forth herein.

25. This paragraph contains a legal statement to which no answer is necessary. The Fourteenth Amendment to the United States Constitution speaks for itself.

26. This paragraph contains a legal statement to which no answer is necessary. 42 U.S.C. § 1983 speaks for itself.

27. This paragraph contains a legal statement and Plaintiff's characterization of the law to which no answer is necessary. To the extent a response is required, Defendant-Intervenor denies the allegations in this paragraph.

28. Admitted.

29. This paragraph contains a legal statement and Plaintiff's characterization of the law to which no answer is necessary. To the extent a response is required, Defendant-Intervenor denies the allegations in this paragraph.

30. Denied.

31. Denied.

32. Denied.

33. Admitted that Ala. Code § 34-27A-4 and Ala. Admin. Code 780-X-1-.02 do not include an "end date." Defendant-Intervenor denies the remaining allegations in this paragraph.

#### **PRAYER FOR RELIEF**

Defendant-Intervenor denies that Plaintiff is entitled to any relief. Defendant-Intervenor asks that the Court deny any request for injunctive relief and declare that the challenged provisions are valid and enforceable.

### AFFIRMATIVE DEFENSES

1. Plaintiff's Complaint fails to state a claim upon which relief could be granted and should be dismissed pursuant to Federal Rule of Civil Procedure 12(b)(6).
2. Plaintiff lacks standing.
3. Plaintiff and its members have not suffered any injury.
4. This Court lacks subject matter jurisdiction.

Respectfully submitted,

/s/ Martin E. Weinberg

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*\*Pro Hac Vice Forthcoming  
Counsel for Proposed Intervenor*

**CERTIFICATE OF SERVICE**

I hereby certify that on April 26, 2024, I electronically filed a copy of the foregoing with the Clerk of the Court via CM/ECF which will send notification to all counsel of record.

/s/ Martin E. Weinberg  
Martin E. Weinberg